

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION)) MDL NO. 1456) Civil Action No. 01-12257-PBS) Subcategory No. 03-10643
THIS DOCUMENT RELATES TO:)) Judge Patti B. Saris
<i>The City of New York, et al.</i>))
v.)
<i>Abbott Laboratories, Inc., et al.</i>)

JOINT MOTION TO MODIFY THE EXPERT DISCOVERY SCHEDULE

The parties jointly move this Court for an order extending the expert discovery schedule.

In support of their motion, the parties state as follows:

1. The scheduling order entered by the Court on June 14, 2010 requires that plaintiffs and defendants submit their expert reports and materials on or before September 15, 2010 and November 15, 2010, respectively, and that expert depositions be completed by December 15, 2010. *See* the Court's June 14, 2010 electronic order granting the parties' Joint Motion to Modify the Expert Discovery Schedule [Docket No. 7110, Sub-docket No. 235].
2. The parties agree that an extension of all the established pre-trial deadlines to the below identified dates would further the just, speedy, and inexpensive determination of this action.

ACTION	DEADLINE
Plaintiffs shall serve expert reports and other materials in compliance with Fed. R. Civ. P. 26(a)(2)(B).	October 29, 2010
Defendants shall serve expert reports and other materials in compliance with Fed. R. Civ. P. 26(a)(2)(B).	January 20, 2011

All expert depositions shall be completed.	February 15, 2011
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WHEREFORE the parties respectfully and jointly move this Court to modify the established pre-trial dates to those shown above and on the attached proposed Case Management Order No. ____.

Dated: August 24, 2010

Respectfully submitted,

City of New York and New York Counties in
MDL 1456 except Nassau and Orange

/s/ Joanne M. Cicala

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Merck & Co., Inc. (formerly known as Schering-Plough Corporation), Schering Corporation, and Warrick Pharmaceuticals Corporation, on behalf of all defendants

/s/ John P. Bueker

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CERTIFICATE OF SERVICE

I, Russell P. Plato, hereby certify that on the 24th day of August, 2010, I caused a true and correct copy of the above Joint Motion to Modify the Expert Discovery Schedule to be delivered to all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL No. 1456.

Dated: August 24, 2010

/s/ Russell P. Plato

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